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INFORMATION DISCLOSURE

bstitute for form 1449A/PTO

STATEMENT BY APPLICANT

Application Number 10/618,526

Fiting Date July 11, 2003

First Named Inventor Fallaux et al.

Group Art Unit 1632 /6 3 3

Examiner Name D. Nguyen

Attorney Docket Number 2578-3833.9US

Complete if Known

(use as many sheets as necessary)

Sheet 1 of 1

U.S. PATENT DOCUMENTS Document Number Name of Patentee or Applicant of **Publication Date** Examine Cite Pages, Columns, Lines, Where Relevant Cited Document MM-DD-YYYY Initials * Passages or Relevant Number - Kind Code³ (if known) Figures Appear UI-1998 #US- 3,707:018 Armentano et al. #US- 5,824,544 10-1998 Armentano et al. #US-6,040,174 03-2000 Inder et al. Dupl #US-6,051,430 04-18-2000 Plasterk et al. #US-6,140,103 10-31-2000 Einerhand et al. 5DF #US-6,203,975 03-2001 Wilson Dupl. SDP #US-6,204,052 03-20-2001 Bout et al. #US- 6,210,939 Gregory et al. 04-2001 #US- 6,232,105 05-15-2001 Einerhand et al. #US-6,238,893 05-29-2001 Hoeben et al. #US- 0,203,212 07-24-2001 Fallaux et al. <u>SDP</u> #US- 6,306,652 B1 10-23-2001 Fallaux et al. #US- 2002/0102732 A1 08-01-2002 Fallaux et al. #US- 2002/0173039 A1 11-02-2002 Fallaux et al. #US- 2002/0164802 A1 11-07-2002 Fallaux et al. #US- 2003/0104626 A1 06-05-2003 Fallaux et al. #US- 6,602,706 B1 08-05-2003 Fallaux et al. #US- 2004/0087027 A1 05-2004 Gregory et al. US-US-

Examiner Initials*	Cite	te Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Cohmuns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁴
	No.1	Country Code ³ - Number ⁴ - Kind Code ³ (if known)				
50P		#EP 117060	08-1984	Levinson		
508		#WO 97/00326	01-03-1997	Introgene B.V.		
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Examiner Signature	Sixt D. Printy	Date Considered	8/19/05

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INFORMATION DISCLOSURE			Application Number	10/618,526		
			Filing Date	July 11, 2003		
ATEMENT	BYA	PPLICANT	First Named Inventor	Fallaux et al.		
(use as many sheets as necessary)			Group Art Unit	1632		
			Examiner Name	D. Nguyen		
1	of	1	Attorney Docket Number	2578-3833 9US		
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	,	OTHER PRIOR ART NON PATENT LITERATURE DOCUMENTS	
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SDP		#CHROBOCZEK et al., The Sequence of the Genome of Adenovirus Type 5 and Its Comparison with the Genome of Adenovirus Type 2, Virology, 1992, pp. 280-85, Vol. 186.	
-			

Examiner Signature	Soft D Prile	Date Considered	8/19/05
		Considered	

#Pursuant to 37 C.F.R. § 1.98(d), copies of the previously identified patents are not being provided since they were previously cited by or submitted to the Office in the following prior application:

Serial No.: 10/219,414 Filed: August 15, 2002

For: STOCKS OF REPLICATION DEFICIENT ADENOVIRUS, which application is being relied upon for an earlier filing date under 35 U.S.C. § 120.

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2578-3833 9US

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Substitute for form 1449A/PTO Complete if Known **Application Number** 10/618,526 INFORMATION DISCLOSURE Filing Date July 11, 2003 STATEMENT BY APPLICANT First Named Inventor Fallaux et al. Group Art Unit 1632 [633 (use as many sheets as necessary) Examiner Name D. Nguyen

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		NON PATENT LITERATURE DOCUMENTS	
Examiner Initials *	Cite No. ¹	lnclude name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T²
SDP	V	WHITE et al., Adenovirus E1B 19-Kilodalton Protein Overcomes the Cytotoxicity of E1A Proteins, Journal of Virology, June 1991, pp. 2968-78, Vol. 65, No. 6.	
	٠,	WHITE et al., Role of Adenovirus E1B Proteins in Transformation: Altered Organization of Intermediate Filaments in Transformed Cells That Express the 19-Kilodalton Protein, Molecular and Cellular Biology, Jan. 1990, pp. 120-30, Vol. 10, No. 1.	
-	1	GenBank Accession No. X02996.1, 1993, "Adenovirus type 5 left 32% of the genome."	
	1	WHITE et al., Specific disruption of intermediate filaments and the nuclear lamina by the 19-kDa product of the adenovirus E1B oncogene, Proc. Natl. Acad. Sci., December 1989, pp. 9886-90; Vol. 86.	
	1	GALLIMORE et al., Transformation of Human Embryo Retinoblasts with Simian Virus 40, Adenovirus and ras Oncogenes, Anticancer Research, 1986, pp. 499-508, Vol. 6.	
	V	HTTT et al., Construction and Propagation of Human Adenovirus Vectors, Cell Biology, 1994, pp. 479-90, Vol. I, Academic Press, San Diego, California.	
	1	MITANI et al., Rescue, propagation, and partial purification of a helper virus-dependent adenovirus vector, Proc. Nall. Acad. Sci., April 1995, pp. 3854-58, Vol. 92.	
	7	MARCK, CHRISTIAN, 'DNA Strider': a 'C' program for the fast analysis of DNA and protein sequences on the Apple Macintosh family of computers, Nucleic Acids Research, 1988, pp. 1829-36, Vol. 16, No. 5.	
	V	PESHWA et al., Cultivation of Mammalian Cells as Aggregates in Bioreactors: Effect of Calcium Concentration on Spatial Distribution of Viability, 1993, pp. 179-87, Vol. 41.	
	V	BERG et al., High-Level Expression of Secreted Proteins from Cells Adapted to Serum-Free Suspension Culture, BioTechniques 1993, pp. 972-78, Vol. 14, No. 6.	-
	v	WHITE et al., The 19-Kilodalton Adenovirus E1B Transforming Protein Inhibits Programmed Cell Death and Prevents Cytolysis by Tumor Necrosis Factor alpha, Molecular and Cellular Biology, June 1992, pp. 2570-80, Vol. 12, No. 6.	
V	7	COLBY et al., Adenovirus Type 5 Virions Can Be Assembled in Vivo in the Absence of Detectable Polypeptide IX, Journal of Virology, Sept. 1981, pp. 997-80, Vol. 39, No. 3.	

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Examiner	C.41.	Date	alala
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		NON PATENT LITERATURE DOCUMENTS	
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500		RULEY, H. EARL, Adenovirus early region 1A enables viral and cellular transforming genes to transform primary cells in culture, Nature, August 1983, pp. 602-06, Vol. 304.	
	1	GRAHAM et al., Size and location of the transforming region in human adenovirus type 5 DNA, Nature, October 25, 1974, pp. 687-91, Vol. 251.	
	7	PRELICH et al., Functional Characterization of Thermolabile DNA-Binding Proteins That Affect Adenovirus DNA Replication, Journal of Virology, Mar. 1986, pp. 883-92, Vol. 57, No. 3.	
	V	WOODWORTH et al., Transformation of Differentiated Rat Hepatocytes with Adenovirus and Adenovirus DNA, Journal of Virology, Nov. 1987, pp. 3570-79, Vol. 61, No. 11.	
	1	RAO et al., The adenovirus E1A proteins induce apoptosis, which is inhibited by the E1B 19-kDa and Bcl-2 proteins, Proc. Natl. Acad. Sci., August 1992, pp. 7742-46, Vol. 89.	
	V	ROWE et al., Establishment and Characterization of Hamster Cell Lines Transformed by Restriction Endonuclease Fragments of Adenovirus 5, Journal of Virology, Jan. 1984, pp. 162-70, Vol. 49, No. 1.	
	V	SAMBROOK et al., Molecular Cloning — A Laboratory Manual, 3rd edition, 2001, Cold Spring Harbor Laboratory Press, Cold Spring Harbor, New York, pp. 16.1-16.	
	V	ACSADI et al., Adenovirus-mediated gene transfer into striated muscles, J Mol Med, 1995, pp. 165-80, Vol. 73.	
(1	NCBI database excerpt: Locus AC_000008 (human adenovirus type 5)	
	1	RHIM, JOHNG S., Development of Human Cell Lines from Multiple Organs, 2000, Annals New York Academy of Sciences, pp. 16-25.	
.	/	Notice of Opposition to a European Patent by Serono International S.A. filed against Patent No. 0 833 934.	
1/	V	Opposition lodged by Cevec Pharmaceuticals GmbH against European Patent 0 833 934.	

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